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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,129	08/20/2003	William A. Cook	PA-5337-RFB	5324
9896	7590	01/12/2005	EXAMINER	
COOK GROUP PATENT OFFICE P.O. BOX 2269 BLOOMINGTON, IN 47402			JACKSON, SUZETTE JAMIE	
			ART UNIT	PAPER NUMBER
			3738	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

9P

Office Action Summary	Application No.	Applicant(s)	
	10/644,129	COOK ET AL.	
	Examiner	Art Unit	
	Suzette J Gherbi	3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 11, 14-17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 12, 13 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 10 is objected to because of the following informalities: "that than" should be "than that". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 5-7, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fogarty et al. 5,824,037. Fogarty et al. discloses: claim 1: a graft portion including a first end, a second end and a main body portion generally tubular in shape that comprises a first layer of material (10); a cuff portion, having a first edge and a second edge, located about the first end of the graft portion, the cuff portion comprising a second layer of material closely adjacent the main body portion (66, 230 see col. 9 lines 45-67 and col. 18, lines 58-67); and a supporting structure attached about the first end of the graft portion (12, 14); claim 5: wherein the supporting structure includes an anchoring stent attached to the cuff portion and the main body portion (see figures 3a-3d); claim 6: wherein the cuff portion comprises one or more element separate of the main body

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portion that are attached thereto (83); claim 7: wherein the cuff portion comprises an external sealing zone extending laterally from the main body portion, the external sealing zone configured to engage the walls of the vessel to facilitate sealing there between and reduce leakage of fluid; claim 10: wherein the cuff portion comprises a second material different than that of the main body (see col. 19 which states that the cuff liner can be fuzzy which is different than the main body of ring frames).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 11, 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Dehdashtian et al. Dehdashtian et al. discloses the invention as claimed comprising: A graft portion including a main body portion generally tubular in shape that includes a first end and a second end; a cuff portion comprising and external sealing zone (37) generally located at or closely adjacent the first end of the graft portion, the external sealing zone having structure that generally encircles and extends laterally from the main body portion to create a circumferential seal between graft portion and the adjacent walls of the vessel to reduce leakage of body fluid thereabout (see col. 13,

lines 30-67); wherein the cuff portion is a band and the band of material comprises a second material which is different than that of the main body of the graft portion.

6. Claims 16-17, rejected under 35 U.S.C. 102(e) as being anticipated by Chobotov 6,395,019. Chobotov discloses the invention as claimed comprising: a graft portion (10) including a main body portion; an outer cuff portion (16, having a first edge and a second edge, that is located about the first end of the graft portion and attached thereto; and an anchoring stent (24) attached to the main body portion and outer cuff portion, the anchoring stent extending proximally therefrom (see figure 1-2).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogarty et al. '037 in view of Lenker et al. '158. Fogarty et al. has been disclosed above however Fogarty does not specify that the outer cuff portion is folded over the main body portion. Lenker teaches that a stent graft may be provided with a cuff that is folded over the main body portion see figure 11b and col. 15, lines 5-15. It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to fold the cuff over the main body portion of the graft because both Fogarty et al. and Lenker teach that the graft material may extend beyond the main body and by folding over the material one could provide a better wider seal for the proximal region of the prosthesis.

Allowable Subject Matter

9. Claims 8-9, 12-13 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Khosravi et al. 6,231,562 ; McNamara et al. 6,004,347 ; and Hughes et al. 4,728,328 all show related material.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzette J. Jackson whose work schedule is Monday-Friday 9-6:30 off every other Friday and whose telephone number is 571-272-4751.

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12. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

A handwritten signature in black ink, appearing to read "Suzette J-J Gherbi". The signature is fluid and cursive, with the first name "Suzette" being more prominent.

Suzette J-J Gherbi
07 January 2005